MONTANA LEGISLATIVE HISTORY

Chapter 489 1977

Bill H 745 S _____ Original bill & history ✓ C

H. Committee on Local Government			S. Committee on State Administration		
Hearing Date(s)	2/18	✓ C	Hearing Date(s)	3/21	✓ C
		C		3/25	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

NO.	AUTHOR	SUBJECT	REFERRED TO
		PUBLIC EDUCATION.	
745	GERKE	TO CONFORM THE TERMINOLOGY IN THE LAWS RELATING TO FIREMEN AND POLICE RETIREMENT AND DEATH AND DISABILITY BENEFITS TO THE PROPOSED LOCAL GOVERNMENT CODE TERMINOLOGY.	GOVERNOR SIGNED 4/26/77 (CH. 489)
746	E. GUNDERSON, DUSSAULT, ET AL	TO REQUIRE THAT A JOB MARKET SURVEY BE CONDUCTED BEFORE A NEW VOCATIONAL EDUCATION COURSE IS ESTABLISHED.	KILLED IN EDUCATION 2/18/77
747	FAGG	TO DIRECT THE STATE BOARD OF INVESTMENTS TO INVEST AT LEAST ONE-QUARTER OF CERTAIN FUNDS IN QUALIFIED MONTANA MORTGAGES.	SENATE KILLED IN BUSINESS & INDUSTRY 3/11/77
748	FAGG	AN ACT TO ALLOW THE EXTENSION OF ELECTRIC SERVICE ACROSS ALLEYS UNDER CERTAIN CIRCUMSTANCES.	SENATE KILLED IN LOCAL GOVERNMENT 3/28/77
749	E. GUNDERSON, WALDRON, ET AL	TO COMPENSATE THE VICTIMS OF MOTOR VEHICLE ACCIDENTS CAUSED BY UNINSURED MOTORISTS WHO CANNOT PAY JUDGMENTS AGAINST THEM.	KILLED IN JUDICIARY 2/21/77
750	VINCENT, MELOY	TO APPROPRIATE $25,000 TO THE CONSUMER COUNSEL AND THE PUBLIC SERVICE COMMISSION TO INSTITUTE REVISED ENERGY RATE STRUCTURES.	KILLED IN BUSINESS AND INDUSTRY 2/24/77
751	WALDRON	TO PROHIBIT A PERSON CONVICTED TWICE IN 3 YEARS OF ISSUING A BAD CHECK FROM MAINTAINING A CHECKING ACCOUNT IN THE STATE OF MONTANA.	KILLED IN JUDICIARY 2/18/77
752	HUENNEKENS, FRATES, ET AL	TO PROHIBIT, BY ANYONE OTHER THAN THE STATE, THE PRACTICE OF CHARGING CITIZENS FOR THE RIGHT TO HUNT OR FISH.	KILLED IN FISH AND GAME 2/19/77
753	BRADLEY, MELOY, KIMBLE	TO PROVIDE FOR THE LABELING OF APPLIANCES FOR ENERGY EFFICIENCY.	NATURAL RESOURCES 2/10/77
754	MELOY	TO PROVIDE FOR THE COAL TAX TRUST FUND WITHIN THE UNIFIED INVESTMENT PROGRAM.	SENATE TAXATION 4/5/77
755	CONROY, DAY, LIEN	TO REVISE THE LAWS RELATING TO THE TAXATION OF LIVESTOCK.	GOVERNOR SIGNED

NO.	AUTHOR	SUBJECT	REFERRED TO
			4/8/77 (CH. 260)
756	FRATES, HOLMES, ET AL	TO REQUIRE TIMELY PAYMENTS TO RECIPIENTS OF SUPPLEMENTARY PAYMENTS AND MEDICAL ASSISTANCE FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.	SENATE KILLED IN FINANCE & CLAIMS 4/14/77
757	TAXATION COMMITTEE-LIEN, SMITH	TO RAISE THE PER CAPITA LICENSE FEE ON SHEEP.	GOVERNOR SIGNED 4/4/77 (CH. 261)
758	SOUTH, RAMIREZ	TO AVOID JURISDICTIONAL CONFLICT BETWEEN STATES IN CHILD CUSTODY PROCEEDINGS.	GOVERNOR SIGNED 4/29/77 (CH. 537)
759	MONTANA WATER SUB-COMMITTEE	TO REIMBURSE THE DEPARTMENT OF NATURAL RESOURCES FOR ITS COSTS IN ADMINISTERING FLOODPLAIN AND FLOODWAY MINIMUM STANDARDS.	GOVERNOR SIGNED 4/4/77 (CH. 262)
760	ELLISON, COX	TO PROVIDE FOR THE PROTECTION OF PERSONS DEALING WITH CEMETERY OR MAUSOLEUM-COLUMBARIUM CORPORATIONS.	GOVERNOR SIGNED 4/19/77 (CH. 454)
761	HARRINGTON, KIMBLE, RAMIREZ	TO PERMIT THE FORMATION OF NON-PROFIT CORPORATIONS TO PROVIDE PREPAID LEGAL SERVICES.	SENATE JUDICIARY HEARING: 3/26
762	BRADLEY, SOUTH	TO ESTABLISH NECESSARY ENERGY EMERGENCY POWERS FOR THE GOVERNOR.	GOVERNOR SIGNED 5/13/77 (CH. 577)
763	RAMIREZ, MELOY	AN ACT TO REVISE THE ATTACHMENT LAW.	GOVERNOR SIGNED 4/5/77 (CH. 299)
764	RAMIREZ, SIVERTSEN	TO GENERALLY REVISE THE LAWS RELATING TO AUCTION SALES.	GOVERNOR SIGNED 4/4/77 (CH. 263)
765	DRISCOLL	TO GENERALLY REVISE THE LAWS RELATING TO THE TEACHERS' RETIREMENT SYSTEM WITH RESPECT TO QUALIFIED TAX STATUS.	GOVERNOR SIGNED 4/7/77 (CH. 331)
766	HOLMES, DUSSAULT,	TO APPROPRIATE MONEY TO THE DEPARTMENT OF INSTITUTIONS FOR	KILLED IN APPROPRIATIONS

LOCAL GOVERNMENT COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 727	"An Act to Require That Notice be Given Upon the Creation of a District Which may, or For Which a Local Government May,....."	2-8-77	Vincent	2-16-77	2-18-77 TABLED	
HB 745	"An Act to Conform the Terminology in the Laws Relating to Firemen and Police Retirement and Death and Disability..."	2-10-77	Gerke	2-18-77	AS AMENDED DO PASS	2-21-77
HB 128	"An Act to Repeal Section 11-4513, R.C.M. 1947, Which Provides for Aid to Public Transportation Systems Operating at a ....."	2-10-77	Moore	2-18-77	DO NOT PASS	2-21-77
HB 433	"An Act to Authorize First-Class Cities to Require Appropriate Safety Measures on Irrigation Ditches Beginning or Terminating.."	2-11-77	Palmer	2-18-77	DO NOT PASS	2-23-77
HB 767	"An Act to Amend the Interlocal Co-operation Act to Provide for Interlocal Agreements with Agencies and Departments of....."	2-11-77	Vincent	2-18-77	DO NOT PASS	2-21-77
SB 23	"An Act to Provide For the Sale of Discontinued Streets, Roads, and Alleys Owned by a Municipality.."	2-11-77	Watt	2-23-77	CONCURRED IN	2-23-77

INTRODUCED BY House Duke BILL NO. 745

A BILL FOR AN ACT ENTITLED: "AN ACT TO CONFORM THE TERMINOLOGY IN THE LAWS RELATING TO FIREMEN AND POLICE RETIREMENT AND DEATH AND DISABILITY BENEFITS TO THE PROPOSED LOCAL GOVERNMENT CODE TERMINOLOGY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Municipality -- definition. Unless the context requires a different meaning, any reference to "municipality" in the laws governing police retirement and death and disability benefits includes those jurisdictions which, prior to May 2, 1977, were incorporated cities and which after that date become or have become part of a municipal-county consolidated local government.

Section 2. Standardization of terminology. To facilitate the use of common terminology for local government purposes, the code commissioner shall, where appropriate, change all statutory references to comply with the following rules:

(1) Every reference to "fireman" when referring to a person who extinguishes dangerous fires shall be changed to "firefighter".

(2) Every reference to "reserve officer" in the laws governing police retirement and death and disability benefits shall be changed to "retired officer".

(3) Every reference to "reserve list" in the laws governing police retirement and death and disability benefits shall be changed to "retired list".

(4) Every reference to "first and second class city" in the laws governing police retirement and death and disability benefits shall be changed to "municipality having a population of 5,000 or more".

(5) Every reference to "cities other than those of the first or second class" in the laws governing police retirement and death and disability benefits shall be changed to "municipality having a population of less than 5,000".

-End-

February 18, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 8:00 PM in Room 437. The secretary called roll; Representative O'Connell was absent and Representative Halvorson was excused. All other members were present.

HOUSE BILL 128: Representative Moore, chief sponsor, said 2 years ago we passed a bill funding from state funds public transit systems operating at a deficit. This is a bill to repeal section 11-4513. If you will refer to the fiscal note $300,000 was appropriated from highway funds for making up this deficit. As of February 7, 1977, they would get back some of this money. I think if a local government wants to have a mass transit system, the money should come from some other fund. He felt the money would be for a better use if returned to highway fund.

Proponents were:
Larry Tobiason, representing AAA, said he testified against the bill in 1975. This money was paid through gas tax for one purpose, highways and streets. They do agree should not divert funds for bus lines.

Earl Moritz, representing Lewistown Highway Users Federation, said he concurred in what Representative Moore said.

Opponents were:
Dan Mizner, representing the Montana League of Cities and Towns, rose in opposition to this bill and introduced Polly Prchal, representing City of Billings, spoke in opposition to House Bill 128 - written comments are on witness statement - exhibit 1; Bob Cervero, City of Billings, said it is a diversion bill but couldn't think of a better source of funds; Lou Bertagna, City of Billings, left prepared statement - exhibit 2.

Representative Moore closed on House Bill 128. He appreciated the problems Billings is having; however, he reminded the committee this money is for state costs of right-of-way, construction and maintenance of highways. It only affects a few areas in state and is class legislation. The money collected should go where intended to go. There were no questions by the committee.

HOUSE BILL 294: Representative Driscoll, sponsor, said this is a measure to update laws for local public health services. This is for friends who have worked on the measure for a number of years separate from the local government effort. There is some concern that if not done separate it may be lost if 122 fails to pass. He would like the committee to listen to these gentlemen on the reason why to move 294 out ahead of 122. If it would harm 122 would say keep in committee.

Bob Johnson, Local Health Departments, Lewis and Clark Health Department, said we feel very much for 122 and local health provisions. Representative Driscoll did express our concern on what will happen and this is almost an image of 122.

HOUSE BILL 716: - continued
idea for the state. Lou Bertagna, city of Billings, said there is a need for state funding for mass transit systems. Additional comments are - exhibit 4.

Opponents were:
Ed Nelsen, representing the Montana Taxpayers Association, said they oppose this bill and believe this would unfairly penalize Montana motorists for a benefit of a few.

Larry Tobiason, representing the AAA, said we oppose for the same reason. If assistance to railroads is needed, then let all Montana people share in the cost.

Don Allen, self, said he is opposed to the use and administration of the tax in HB 716.

Representative Uhde closed on HB 716.

HOUSE BILL 745: Representative Gerke, sponsor, explained this is a bill to change the terminology within the police and firefighters pension laws. Prepared testimony is exhibit 5.

Lee Heiman, staff member, State Commission on Local Government, explained the amendments and said it has to be done to protect the pension system. Amendments are - exhibit 6.

There were no opponents.

Representative Gerke closed on HB 745.

The committee went into executive session to take action on the following:

HOUSE BILL 745: Representative Gerke moved that the amendments for HB 745 BE ADOPTED. Question, motion carried.

Representatives Hurwitz and Roth came.

HOUSE BILL 122: Larry Weinberg explained that Representative Gould had asked for amendments for page 109 during a previous executive session on Miscellaneous #2 amendments, amendment 9, for insertion of "paid by local government". Proposed amendment to line 20, the governing body may "or on 20% or more of the petitioners shall". Representative Bertelsen made a substitute motion to NOT ACCEPT the amendment to insert on line 20. Question, motion carried. Representatives Gould and Pistoria voted NO.

Representative Ramirez thought amendment 9 should read: "all costs, including attorney's fees". Representative Waldron moved TO ADOPT amendment 9 with added wording. Question, motion carried. (SCR 41)

45th LEGISLATIVE SESSION

COMMITTEE ON State Administration

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
396	2-25-77	rereferred to Judiciary 3-4-77							
223	4-9-77	not accepted by the Senate for action - put in our committee until end of session							
808	4-7-77	4-11-77	4-12-77				4-11-77		
565	2-25-77	3-19-77	3-19-77					3-19-77	
352	2-25-77	rerererred to Judiciary 3-4-77							
447	2-25-77	3-28-77	4-2-77				4-2-77		
719	2-25-77	3-21-77	3-31-77					3-25-77	
741	2-25-77	3-21-77	3-28-77				3-25-77		
765	2-25-77	3-21-77	3-28-77				3-25-77		
745	3-2-77	3-21-77	3-31-77					3-25-77	
804	3-2-77	3-21-77	3-21-77				3-21-77		
213	3-2-77	3-23-77	4-13-77						4-13-77
297	3-2-77	3-23-77	4-1-77				4-1-77		
788	3-2-77	3-23-77	4-4-77					4-2-77 Without Recommend	
794	3-2-77	3-25-77	3-28-77				3-25-77		
791	3-5-77	3-26-77	3-30-77				3-30-77	and transfer to Fish & Game	
795	3-5-77	3-26-77	4-1-77					3-30-77	

11:00 a.m.
March 21, 1977

MINUTES OF THE MEETING

STATE ADMINISTRATION COMMITTEE

MONTANA STATE SENATE

The meeting of the State Administration Committee was called to order by Chairman Thomas Towe on the above date in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION AND DISPOSITION OF HOUSE BILL 804.

Representative Helen O'Connell, District 34, stated she was chief sponsor of this bill. She stated in 1975 when the public employees were given the right to run for public office they left out some public employees, such as Highway Patrol and Fish and Game. This bill will include all public employees to participate in the Public Retirement System. She stated this would be retroactive to include this legislative session, January 3, 1977, so they will not lose that time.

She stated one of the reasons this was brought to her attention is they have a Representative who was a highway patrolman. After he got here he learned he wasn't involved in this. So they decided to put in a bill to cover all employees. This would be paid out of pocket and not by payroll.

Senator Roskie moved that HB 804 Be Concurred In. Senator Devine seconded. All were in favor.

Senator Roskie will carry the bill on the floor.

CONSIDERATION OF HOUSE BILL 719.

Representative Mike Meloy, District 29, is the chief sponsor of this bill. He stated two years ago the Legislature passed a bill which standardized the reimbursement of employees. In that bill they included sections which had in them different payments for travel, lodging and food. There were a number of sections that were missed. HB 719 brings into conformance the intent of the Legislature. He stated he was asked to carry this bill.

Senator Roskie stated they wrestled with the mileage thing on another bill. Is there anything in this bill relating to this?

a minor impact. They have to have a child under the age of 18 and must be retired. It is their findings that there will be a very minimal cost under this provision.

He stated these are most of the changes they needed to put in before they could get approval of the plan. With the passage of this bill the IRS will take the position that this is a qualified plan.

Senator Devine asked what is the definition of a part-time teacher?

Mr. Hendrickson stated by this bill it will be someone who works less than 9 months of a year.

Senator Jergeson stated he does a little bit of student teaching. Does he have to elect to come under this system?

Mr. Hendrickson stated if you work 30 days, you are under it.

Chairman Towe asked on page 11, lines 5-9, does this mean that we would not be able to provide that the monies in the retirement system can be invested in the State of Montana?

Mr. Hendrickson stated if that wording were put in it might be qualified.

Hearing closed on HB 765.

HOUSE BILL 745.

Representative Harold Gerke, District 62, recommended that the committee hang on to the bill pending the outcome of House Bill 122. This bill was introduced because they felt it should go along with HB 122. He stated if it was agreeable with the committee he would like to research this and then come back at a later date. He stated he didn't feel they needed the bill but there will be others who feel they do.

Al Samson stated they have no problem with holding the bill for further study. He feels there may be a problem if the bill does die. What will happen to the pension systems in Butte and elsewhere?

Dan Mizner stated if the bill goes through as is, page 2, line 22, this will put the pension laws affecting Lewistown and Glasgow immediately into second class cities. He would like this amended to 7500 instead of 5000. The same for page 3, lines 3 and 8. On page 3, line 9, this would be changed to 2500 and this would automatically become a third class city.

Chairman Towe stated they would not take action on the bill until they heard from Representative Gerke. They will not have another hearing on this bill but will hear Mr. Gerke before they take action.

Hearing Closed on HB 745.

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 25, 1977

The meeting was called to order by Senator Towe, Chairman at 4:20 p.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Brown, Story, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

The following bills were discussed: Appointments
HB 741
HB 765
HB 745
HB 794
HB 719
HB 263
HJR 20

Discussion was held regarding the appointment of Mr. Lackman as Commissioner of Agriculture. Senator Brown presented a proposal regarding confirmation of the appointment (attached #1).

Senator Story moved to reconsider the Lackman appointment. THE MOTION CARRIED WITH SENATORS DEVINE AND RASMUSSEN VOTING NO.

Senator Jergeson moved to hold the appointment until the first of April and see what alternative the Governor would submit. THE MOTION FAILED (SEE ATTACHED ROLL CALL VOTE #1).

A straw vote was taken on the possibility of asking for the appointment to be set until April 1, 1979 and failed.

Senator Devine moved Mr. Lackman be confirmed. THE MOTION FAILED ON A ROLL CALL VOTE (SEE ATTACHED ROLL CALL VOTE #2).

Senator Jergeson asked for a straw vote to determine if there is support for asking the Governor to set the appointment for a date certain this year. The straw vote was affirmative.

HOUSE BILL 741

Senator Jergeson moved HB 741 Be Concurred In. TTHE MOTION CARRIED WITH SENATOR STORY VOTING NO.

HOUSE BILL 765

Senator Devine moved House Bill 765 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 745

Senator Blaylock moved the amendments on the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 745 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

April 4, 1977

STANDING COMMITTEE REPORT
Senate Committee on State Administration

That House Bill No. 745 be amended as follows:

1. Amend title, line 4.
Following: "ACT"
Strike: "TO CONFORM"
Insert: "RELATING TO"

2. Amend title, lines 6 and 7.
Following: "BENEFITS"
Strike: "TO THE PROPOSED LOCAL GOVERNMENT CODE TERMINOLOGY"

3. Amend page 1, section 1, line 18.
Following: "CONSOLIDATION"
Insert: ","
Following: "MUNICIPALITIES,"
Strike: "OR"

4. Amend page 1, section 1, line 20.
Following: "SERVICES"
Insert: ", or the entire county included in the county municipal consolidation"

5. Amend page 2, section 3, lines 18 through line 9 on page 3.
Following: line 17
Strike: lines 18 through line 9 on page 3 in their entirety

HOUSE BILL NO. 745

INTRODUCED BY GERKE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO CONFORM~~ RELATING TO THE TERMINOLOGY IN THE LAWS RELATING TO FIREMEN AND POLICE RETIREMENT AND DEATH AND DISABILITY BENEFITS ~~TO THE PROPOSED LOCAL GOVERNMENT CODE TERMINOLOGY~~."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Municipality -- definition. Unless the context requires a different meaning, any reference to "municipality", "CITY", OR "TOWN" in the laws governing police retirement and death and disability benefits includes those jurisdictions which, prior to ~~May 2, 1977, were incorporated cities and which after that date become or have become part of a municipal county consolidated local government.~~ THE EFFECTIVE DATE OF A COUNTY-MUNICIPAL CONSOLIDATION, HERE INCORPORATED MUNICIPALITIES, ~~OR~~ SUBSEQUENT DISTRICTS CREATED FOR URBAN LAW ENFORCEMENT SERVICES, OR THE ENTIRE COUNTY INCLUDED IN THE COUNTY MUNICIPAL CONSOLIDATION.

SECTION 2. MUNICIPALITY -- DEFINITION. UNLESS THE CONTEXT REQUIRES A DIFFERENT MEANING, ANY REFERENCE TO "MUNICIPALITY", "CITY", OR "TOWN" IN THE LAWS GOVERNING FIREMEN'S RETIREMENT AND DEATH AND DISABILITY BENEFITS INCLUDES THOSE JURISDICTIONS WHICH, PRIOR TO THE EFFECTIVE DATE OF A COUNTY-MUNICIPAL CONSOLIDATION WERE INCORPORATED MUNICIPALITIES, OR SUBSEQUENT DISTRICTS CREATED FOR URBAN FIRE PROTECTION SERVICES.

Section 3. Standardization of terminology. To facilitate the use of common terminology for local government purposes, the code commissioner shall, where appropriate, change all statutory references to comply with the following rules:

(1) Every reference to "fireman" when referring to a person who extinguishes dangerous fires shall be changed to "firefighter".

(2) Every reference to "reserve officer" in the laws governing police retirement and death and disability benefits shall be changed to "retired officer".

(3) Every reference to "reserve list" in the laws governing police retirement and death and disability benefits shall be changed to "retired list".

~~(4) Every reference to "first and second class city" in the laws governing police retirement and death and disability benefits AND LAWS GOVERNING FIREMEN'S RETIREMENT AND DEATH AND DISABILITY BENEFITS shall be changed to "municipality having a population of 5,000 or more".~~

~~(5) Every reference to "cities other than those of the first or second class" in the laws governing police~~

~~retirement--and--death--and--disability--benefits~~ ~~AND--LAWS GOVERNING-FIREMEN'S--RETIREMENT--AND--DEATH--AND--DISABILITY BENEFITS~~ ~~shall---be--changed--to--"municipality--having--a population-of-less-than-5,000"~~.

~~(6)--EVERY-REFERENCE-TO-"CITIES-OF-THE-THIRD-CLASS"--IN THE---LAWS---GOVERNING---POLICE--RETIREMENT--AND--DEATH--AND DISABILITY-BENEFITS-AND-LAWS-GOVERNING-FIREMEN'S--RETIREMENT AND---DEATH---DISABILITY---BENEFITS---SHALL--BE--CHANGED--TO "MUNICIPALITY-HAVING-A-POPULATION-OF--LESS--THAN--5,000--AND MORE-THAN-1,000"~~.

-End-